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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/764,845

01/26/2004

Robert Benson

205P085

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20874

7590

03/04/2005

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SYRACUSE, NY 13202

EXAMINER

ZARROLI, MICHAEL C

ART UNIT

PAPER NUMBER

2839

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/764,845

Applicant(s)

BENSON ET AL.

Examiner

Michael C. Zarroli

Art Unit

2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-25 is/are allowed.
- 6) ☒ Claim(s) 1-6, 9, 10, 26-28, 30 and 31 is/are rejected.
- 7) ☒ Claim(s) 7, 8 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/26/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: dict. def.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it is too long. The abstract should not be more than 150 words. Correction is required. See MPEP § 608.01(b).

Claim Objections

2. Claim 9 objected to because of the following informalities: In line 1 “coving.” Appropriate correction is required.
3. Claim 10 objected to because of the following informalities: In line 1 “aer.” Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4 and, 10 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Takahashi et al.

Takahashi discloses a device for use in a CATV system (col. 1 line 14+) comprising: at least one hollow body member (1) having a central axis (unnumbered fig. 3) and opposite ends in parallel planes (fig. 4 unnumbered); at least one header (2) having a central axis (fig. 3 at line) longitudinally adjoining one of said ends in coaxial relation (fig. 4); and cooperative structure on each of said body and header rotationally locking said body member and said header to one another (figures 3 & 4).

Regarding claim 2 Takahashi discloses that said structure comprise a notch (unnumbered fig. 3 left side) in said body member and a tab (2-5) on the header, said tab extending into said notch.

Regarding claim 3 Takahashi discloses that said notch extends into said body member from one of said ends (fig. 6 unnumbered left side).

Regarding claim 4 Takahashi discloses that said structure comprise a pair of notches (fig. 6 unnumbered left side) extending into said body member from said one end and a pair of tabs (2-5 fig. 6) on said header extending into respective ones of said notches.

Regarding claim 10 Takahashi discloses that said header and body are joined with an interference fit maintaining said header and body in longitudinally adjoining relation (figures 1 or 4). **See the end of this action for a dictionary definition of the term “interference fit.”**

6. Claims 1-2, 5 and, 10 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lukas et al.

Lukas discloses a device comprising: at least one hollow body member (35) having a central axis (fig. 3) and opposite ends in parallel planes; at least one header (36) having a central axis (37) longitudinally adjoining one of said ends in coaxial relation (fig. 3); and cooperative structure on each of said body and header rotationally locking said body member and said header to one another (fig. 3). **The examiner did not give any patentable weight to the statement about the CATV system in line 1. This statement was an intended use statement in the preamble.**

Regarding claim 2 Lukas discloses that said structure comprise a notch (43) in said body member (35) and a tab (42) on the header (36), said tab extending into said notch (fig. 3).

Regarding claim 5 Lukas discloses two headers (36 in fig. 3), one of said headers adjoining each of said body member ends, and said structure comprises at least one

notch (43) extending into each of said ends (fig. 3) of said body member and at least one tab (42) on each of said headers, said tabs extending into the notch in the adjoining end of said body member.

Regarding claim 10 Lukas discloses that said header and body are joined with an interference fit maintaining said header and body in longitudinally adjoining relation (fig. 3). **See the end of this action for a dictionary definition of the term “interference fit.”**

7. Claims 1 and 9 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Moulin.

Moulin discloses a device comprising: at least one hollow body member (13) having a central axis (43) and opposite ends in parallel planes (fig. 2 at 19 & 39); at least one header (15) having a central axis (75) longitudinally adjoining one of said ends in coaxial relation (fig. 2); and cooperative structure on each of said body and header rotationally locking said body member and said header to one another (fig. 3). **The examiner did not give any patentable weight to the statement about the CATV system in line 1. This statement was an intended use statement in the preamble.**

Regarding claim 9 Lukas discloses that a sleeve (19 & 17) covering at least portions of both said body and header to maintain said header and body in longitudinally adjoining relation (figures 1 & 2).

8. Claims 26-28 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lukas et al.

Lukas discloses a method of fabricating and assembling a device comprising: a) forming a hollow, cylindrical body member (35) having first and second ends in parallel planes (fig. 3); b) forming first and second headers (41) having first and second annular portions (37), respectively. c) forming first rotational locking means with a first portion on said first end of said body member and a second portion on said first header (fig. 3 left side); d) forming second rotational locking means with a first portion on said second end of said body member and a second portion on said second header (fig. 3 right side); e) placing said first header axially adjacent said first end of said body member with said first and second portions of said first rotational locking means in mutual engagement (42 & 41), thereby rotationally locking said first header and said body member to one another; and f) placing said second header axially adjacent said second end of said body member with said first and second portions of said second rotational locking means in mutual engagement (42 & 41), thereby rotationally locking said second header and

said body member to one another. **The examiner did not give any patentable weight to the statement about the CATV system in line 1. This statement was an intended use statement in the preamble.**

Regarding claim 27 Lukas discloses that said first portions of each of said first and second rotational locking means comprises one of a notch (43) in said body member (35).

Regarding claim 28 Lukas discloses that said second portions of each of said first and second rotational locking means comprises a tab (42) in said first and second headers.

9. Claim 30 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Perry.

3Perry discloses an enclosure (1) for an electronic device used in the CATV industry (col. 1 line 14) comprising:

- a) a hollow, cylindrical body (10);
- b) a header (20) closing one end of said body (fig. 1); and
- c) an interference fit between portions of said body and header securing said body and header in assembled relation in the absence of soldering (figures 6 & 8).

10. Claim 31 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Nepovim.

Nepovim enclosure for an electronic device used in the CATV industry (col. 1 lines 5-8) comprising:

- a) a hollow, cylindrical body (10);
- b) a header (14) closing one end of said body (fig. 2); and
- c) a thin sleeve (16) enclosing at least portions of said body and header maintaining said body and header in assembled relation in the absence of soldering (fig. 2 right side).

Claim Rejections - 35 USC § 103

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Lukas et al.

Lukas does not disclose **a pair** of notches and **a pair** of tabs at each end.

At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the device of Lukas by increasing from one to a pair of notches extending into each of said body member ends and a pair of tabs on each of said headers extending into said notches. The motivation for this change would be to make the mechanical and electrical connections more secure and balanced.

Well settled case law has revealed that duplicating parts for multiple effect is not a reason for allowability *In re Harza*, 274 F. 2d 669, 671, 124 USPQ 378, 380 (CCPA 1960)

Allowable Subject Matter

14. Claims 11-25 allowed over the prior art of record.

15. Claims 7-8 and, 29 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

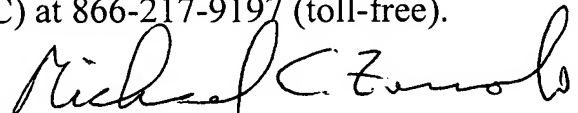
16. The following is a statement of reasons for the indication of allowable subject matter: Claim 7 in combination with claim 1 specifically the plurality of hollow body members. The combinations in claims 11 and 16 specifically the male and female headers and their respective internal and external threads. Regarding the combination in claim 29 specifically the positioning of the hollow sleeve.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Zarroli whose telephone number is 571-272-2101. The examiner can normally be reached on 7:30 to 3:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, T.C. Patel can be reached on (571) 272-2800 ext 39. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael C. Zarroli
Primary Examiner
Art Unit 2839

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